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FACSIMILE: (402) 392-0734

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OFFICE OF PETITIONS

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TO: Office of Petitions

FIRM NAME: USPTO

FROM: Dennis L. Thomte

FAX NO.: (571-273-0025)

Total pages transmitted, including cover page: 4

DATE: August 30, 2006

SENT BY: Sue Kelly

COMMENTS: Attached is a Petition to Withdraw Holding of Abandonment Under 37 C.F.R. 1.181 re: Serial No. 10/827,034. A copy of the Petition is also being mailed to Mail Stop Petition.

THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND, AS SUCH, IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US AT (402) 392-2280.

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AUG 30 2006

OFFICE OF PETITIONS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : RAYMON W. LUSH

GROUP NO.: 3643

SERIAL NO. : 10/827,034

EXAMINER: R. Swiatek

FILED : April 19, 2004

TITLE : SQUIRREL REPELLING HANGER FOR A BIRD
FEEDER OR THE LIKE**PETITION TO WITHDRAW HOLDING
OF ABANDONMENT UNDER 37 C.F.R. 1.181**Commissioner for Patents
Alexandria, VA 22313

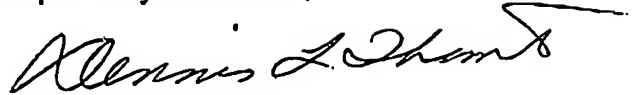
Dear Sir:

On August 30, 2006, I requested that my assistant, Susan Kelly, contact Examiner Robert Swiatek regarding the above-identified application because we had not had any response from the Patent Office with respect to a Second Amendment, Power of Attorney and Terminal Disclaimer which were faxed and mailed to the Patent Office on April 26, 2005. Examiner Swiatek examined his file and noted that a Notice of Allowance had been mailed from his art unit in May of 2005. The Notice of Allowance was erroneously mailed to Wang Laboratories in Massachusetts instead of the Thomte, Mazour & Niebergall law firm in Omaha, Nebraska. Wang Laboratories apparently received the Notice of Allowance and returned the same to Examiner Swiatek's art unit. A Notice of Abandonment was issued by the Patent Office after the

1 issue fee was not paid and said Notice of Abandonment was also erroneously mailed
to Wang Laboratories in Massachusetts rather than the Thomte, Mazour & Niebergall
law firm in Omaha, Nebraska. Examiner Swiatek stated to Ms. Kelly that it was
completely the Patent Office's fault that the Notice of Allowance and Notice of
5 Abandonment were sent to the wrong address and that no one in his art unit had
noticed that the Wang Laboratories address was not where the Notices should have
been mailed. Examiner Swiatek also stated that a Ms. Carolyn Cofer in his art unit
had apparently inadvertently entered the wrong address for the Thomte, Mazour &
10 Niebergall law firm at the time the Power of Attorney was received in April of 2005. A
revised Notice Regarding Change of Power of Attorney is currently being prepared by
Ms. Cofer and is to be forwarded to the Thomte, Mazour & Niebergall law firm. While
speaking with Ms. Kelly, Examiner Swiatek checked the "PALM" system and the
correct address for the Thomte law firm was in the system.

15 The undersigned attorney hereby requests that the Notice of Abandonment be
rescinded and that Examiner Swiatek be allowed to revive the application and mail the
Notice of Allowance to the Thomte, Mazour & Niebergall law firm as originally intended
by Examiner Swiatek.

Respectfully submitted,




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Attorneys of Record

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CERTIFICATE OF MAILING

I hereby certify that the original of this PETITION TO WITHDRAW HOLDING OF ABANDONMENT for RAYMON W. LUSH, Serial No. 10/827,034, was mailed by first class mail, postage prepaid, to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30th day of August, 2006.



DENNIS L. THOMTE

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this PETITION TO WITHDRAW HOLDING OF ABANDONMENT for RAYMON W. LUSH, Serial No. 10/827,034 is also being facsimile transmitted to the Patent and Trademark Office on the date shown below and at facsimile number (571) 273-0025.



DENNIS L. THOMTE

Date: August 30, 2006

*** RX REPORT ***

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